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03/01/02

PTO/SB/05 (03-01)

Approved for use through 10/31/2002. OMB 0651-0032
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR § 1.53(b))

Attorney Docket No. 0652.1790001/EKS/BEC
First Inventor Beug et al.
Title Pharmaceutical Compositions for Treating Tumour Diseases
Express Mail Label No.

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:

Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original, and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 87]
(preferred arrangement set forth below)
 - Descriptive title of the Invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 18]
5. Oath or Declaration [Total Pages 12]
 - a. ☐ Newly executed (original or copy)
 - b. ☒ Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 18 completed)
 - i. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR §§ 1.63(d)(2) and 1.33(b).
6. ☒ Application Data Sheet. See 37 CFR 1.76.

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 - a. ☐ Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. ☐ CD-ROM or CD-R (2 copies); or
 - ii. ☐ paper
 - c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s)).
10. ☐ 37 CFR 3.73(b) Statement ☒ Power of Attorney
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☒ Other: Authorization under 37 C.F.R. § 1.136(a)(3)
☒ Other: The name of the assignee is: Boehringer Ingelheim International GmbH.

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☒ Divisional ☐ Continuation-in-Part (CIP) of prior application No: 09/155,716
Prior application information: Examiner Harris, Alana M. Group/Art Unit: 1642

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label

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or ☐ Correspondence address below

(Insert Customer No. 6 Attach bar code label here)

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	ATTORNEYS AT LAW			
ADDRESS				
CITY		STATE		ZIP CODE
COUNTRY		TELEPHONE		FAX

NAME (Print/Type)	Bruce E. Chalker	Registration No. (Attorney/Agent)	47,480
SIGNATURE	<u>Bruce E. Chalker</u>	Date	03/01/2002

31132 U.S. PTO
03/01/02

Approved for use through 10/31/2002 OMB 0651-0032

PTO/SB/17 (10-01)
Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE
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FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision

TOTAL AMOUNT OF PAYMENT (\$740.00)

Complete if Known

Application Number	(to be assigned)
Filing Date	(herewith)
First Named Inventor	Beug et al.
Examiner Name	(to be assigned)
Group Art Unit	(to be assigned)
Attorney Docket No.	0652.1790001/EKS/BEC

METHOD OF PAYMENT (check one)

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayment to.

Deposit Account Number 19-0036
Deposit Account Name Sterne, Kessler, Goldstein & Fox P L L C

- ☐ Charge Any Additional Fee Required Under 37 CFR §§ 1.16 and 1.17

- ☐ Applicant claims small entity status See 37 CFR 1.27

2. ☒ Payment Enclosed.

☒ Check ☐ Credit card ☐ Money Order ☒ Other*
*Charge any deficiencies or credit any overpayments in the fees or fee calculations of Parts 1, 2 and 3 below to Deposit Account No. 19-0036.

FEE CALCULATION

1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	740
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$) 740.00

2. EXTRA CLAIM FEES

Total Claims 9 - 20** = X =
Indep. Claims 1 - 3** = X =
Multiple Dependent =

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim
108	84	209	42	**Reissue independent claims over original patent
110	18	210	9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) -0-

** or number previously paid, if greater, For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	130	123	130	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	481	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) -0-

SUBMITTED BY

Name (Print/Type)	Bruce E. Chalker	Registration No (Attorney/Agent)	47,480	Telephone	202-371-2600
Signature	B-E Chalker	Date	02/26/2002		

Complete (if applicable)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.
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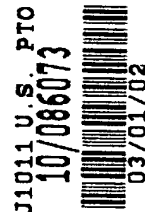
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March 1, 2002

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Commissioner for Patents
Washington, D.C. 20231

Box Patent Application

Re: U.S. Non-Provisional Utility Patent Application under 37 C.F.R. § 1.53(b)
(A Divisional of U.S. Appl. No. 09/155,716; filed February 16, 1999)
Appl. No. (to be assigned); filed (herewith)
For: **Pharmaceutical Compositions for Treating Tumour Diseases**
Inventors: Beug *et al.*
Our Ref: 0652.1790001/EKS/BEC

Sir:

The following documents are forwarded herewith for appropriate action by the U.S.
Patent and Trademark Office:

1. Fee Transmittal (Form PTO/SB/17);
2. Utility Patent Application Transmittal (Form PTO/SB/05);
3. U.S. Utility Patent Application entitled:

Pharmaceutical Compositions for Treating Tumour Diseases

and naming as inventors:

Hartmut Beug
Martin Oft
Ernst Reichmann
Karl-Heinz Heider

Commissioner for Patents

March 1, 2002

Page 2

the application consisting of:

- a. A specification containing:
 - i. 83 pages of description prior to the claims;
 - ii. 3 pages of claims (claims 1-15); and
 - iii. a one (1) page abstract;
 - b. Eighteen sheets of drawings (Figures 1A-1D; 2A-2H; 3A-3D; 4A-4F; 5A-5D; 6A-6F; 7A-7B; 8A-8F; 9; 10A-10D and 11-18);
 - c. A copy of the executed Declaration, as originally filed in U.S. Appl. No. 09/155,716; and
 - d. An Application Data Sheet (37 C.F.R. § 1.76);
4. Letter to PTO Draftsman: Submission of Formal Drawings;
 5. Eighteen sheets of Formal Drawings (Figures 1A-1D; 2A-2H; 3A-3D; 4A-4F; 5A-5D; 6A-6F; 7A-7B; 8A-8F; 9; 10A-10D and 11-18);
 6. Authorization To Treat A Reply As Incorporating An Extension Of Time Under 37 C.F.R. § 1.136(a)(3);
 7. A copy of the executed Power of Attorney from Assignee as filed in U.S. Appl. No. 09/155,716;
 8. A Preliminary Amendment;
 9. Two (2) return postcards; and
 10. Our check No. 34312 for \$740.00 to cover the basic filing fee (37 C.F.R. § 1.16(a)).

It is respectfully requested that, of the two attached postcards, one be stamped with the filing date of these documents and returned to our courier, and the other, prepaid postcard, be stamped with the filing date and unofficial application number and returned as soon as possible.

Commissioner for Patents

March 1, 2002

Page 3

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Bruce E. Chalker
Attorney for Applicants
Registration No. 47,480

BEC/dab

P:\USERS\BCHALKER\1791appcov

Enclosures

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Beug *et al.*

Appl. No. (To be assigned)

Filed: (Herewith)

For: **Pharmaceutical Compositions for
Treating Tumour Diseases**

Confirmation No.

Art Unit: (To be assigned)

Examiner: (To be assigned)

Atty. Docket: 0652.1790001/EKS/BEC

Letter to PTO Draftsman: Submission of Formal Drawings

Commissioner for Patents

Box Patent Application

Washington, D.C. 20231

Sir:

Submitted herewith are eighteen (18) sheets of formal drawings with Figures 1A-1D; 2A-2H; 3A-3D; 4A-4F; 5A-5D; 6A-6F; 7A-7B; 8A-8F; 9; 10A-10D and 11-18, corresponding to the informal drawings submitted with the above-captioned application. It is noted that Figures 1A-1D; 2A-2H; 3A-3D; 4A-4F; 5A-5D; 6A-6F; 7A-7B; 8A-8F; 9; 10A-10D and 11-15 contain photographs and are provided herewith on photographic paper. Identification of the drawings is provided in accordance with 37 C.F.R. § 1.84(c). Acknowledgment of the receipt, approval, and entry of these formal drawings into this application is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Bruce E. Chalker

Bruce E. Chalker
Attorney for Applicants
Registration No. 47,480

Date: February 26, 2002

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